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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,624	09/27/2001	Balakrishna Raghavendra Iyer	SVL920010077US1/2307P	4803

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EXAMINER

AMSBURY, WAYNE P

ART UNIT PAPER NUMBER

2161

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/966,624	Applicant(s) IYER ET AL.	
	Examiner Wayne Amsbury	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

CLAIMS 1-43 ARE PENDING

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Applicant's arguments filed 1/17/06 have been fully considered but they are not persuasive.

Applicant bases traversal of the rejection on the basis that Jackson et al (Jackson) "*images...are **stored** by the service provider at no cost to the user.*" [COL 1 lines 54-56.] This is actually prior art. However, at COL 1 lines 65-68, Jackson states: "*It is an object of the present invention to provide an effective method for making payment for ordered services using images stored by the service provider.*" It is considered that use of the database and access to the database and any ordered services are usage of the photo database. Furthermore, the problem that Jackson is solving by an improvement is stated at COL 1 lines 60-62: "*Therefore, the user has no incentive to order prints immediately upon uploading, and the service provider is not compensated for the long-term storage of the user's images.* The service provider of Jackson is so compensated. In particular, see COL 2 lines 15-18, where: "*the payment schedule depends upon the designated date associated with the selected image.*"

3. Claims 1, 5, 28, 29 and 36-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Jackson et al (Jackson), US 6,760,128, 6 July 2004.

Jackson is directed to providing a payment schedule for using an image database.

As to **claim 1**:

A method for utilizing a database, the method comprising:

(a) accessing the database over a public network by a browser without downloading database software; and

(b) controlling usage of the database based on an agreed-upon schedule and price.

Jackson teaches the invention essentially as claimed. In particular, access by a user is made through the Internet with a browser [COL 1 lines 32-34; COL 3 line 51]. Nowhere does Jackson indicate that downloading of database software is required for operation of the system. Jackson does address uploading of images in some detail, and segues into charging for use of (access to) the storage service within an image database at COL 1 lines 47-62.

At COL 1 lines 65-68, Jackson states: *"It is an object of the present invention to provide an effective method for making payment for ordered services using images stored by the service provider."* It is considered that use of the database and access to the database and any ordered services are usage of the photo database.

The cost of ordered services is dependent on the time between uploading and transferring them. A payment schedule provides different service charges at different times [COL 2 line 60 to COL 3 line 17]. The scheduled transfer and dependent cost corresponds to an agreed-upon schedule and price.

In particular, the problem that Jackson is solving by an improvement is stated at COL 1 lines 60-62: *"Therefore, the user has no incentive to order prints immediately upon uploading, and the service provider is not compensated for the long-term storage of the user's images.* The service provider of Jackson is so compensated. In particular, see COL 2 lines 15-18, where: *"the payment schedule depends upon the designated date associated with the selected image."*

The elements of **claims 5, 28, 29 and 36-38** are rejected in the analysis above and these claims are rejected on that basis.

4. Claims 2-4, 6-27, 30-35 and 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson et al (Jackson), US 6,760,128, 6 July 2004 and Nguyen et al (Nguyen), US 5,737,592, 7 April 1998.

As to **claim 2**, Jackson uses a Web browser, which is software that lets a user view HTML documents. [See a computer dictionary, such as the Microsoft 4th edition, © 1999.] However, Jackson does not explicitly provide commands using HTML. Nguyen, however, provides for entering database commands from a browser through a Web

server by providing an HTML input form into which a user can enter a request that is translated into an SQL command for a relational database [FIG 2; COL 5 lines 40-48]. Nguyen discusses the motivation for this provision [BACKGROUND], in particular at COL 1 lines 40-42, but does not discuss the use of a database as a scheduled service.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide database commands within an HTML framework as taught by Nguyen for a database service as taught by Jackson because there is a growing demand for Web access to databases, and increased access improves the profitability of a Web service.

As to **claim 43**, a DB WWW gateway [FIG 2] combines database commands with control commands and provides the HTML code to the Web server [COL 2 lines 51-61].

As to **claim 3**, the DB WWW gateway corresponds to a web application platform [FIG 2].

As to **claim 4**, the DB2 WWW enablement set forth at COL 2 lines 51-61 corresponds to extraction.

The detailed process set forth in **claim 9** is depicted in [Nguyen FIG 2], wherein a password is required of a user at login [COL 9 lines 27-28], and the use of a screen is depicted at least in FIG 1,3.

As to **claims 14-15**, Nguyen notes that a user uses a URL in order to invoke communications [COL 5 lines 1-3]. Opening communications upon verification of a password corresponds to opening a session.

As to **claim 23**, the layers claimed correspond to the ISO/OSI reference model for organizing and standardizing communications. It would have been obvious to one of ordinary skill in the art at the time of the invention to organize complex software in this way because it is an efficient way to manage the complexity and an efficient way to avoid developing a non-standard approach.

The elements of **claims 6-8, 10-13, 16-22, 24-35 and 39-42** are rejected in the analysis above and these claims are rejected on that basis.

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 571-272-4015. The examiner can normally be reached on M-F 6-18:30 FIRST WEEK.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA


WAYNE AMSBURY
PRIMARY PATENT EXAMINER